

REMARKS

I. Claim Rejections under 35 U.S.C. §103 based on Frank and Bunting

Claims 1, 2, 23, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,646 (Frank) in view of U.S. Patent No. 4,237,339 (Bunting). Applicant believes that the Examiner meant to reject claim “24” instead of “34.”

Claim 1 recites a region of said microphone having a lowest sensitivity is aimed at said speaker when said microphone boom is located in said *first position*, and said region is aimed at said speaker when said microphone boom is located in said *second position* (Emphasis Added). Applicant certainly agrees with the Examiner that Frank does not disclose or suggest the above limitations. According to the Office Action, column I, lines 48-55 of Bunting allegedly disclose the above limitations. However, the cited passage of Bunting actually discloses:

The present invention provides a terminal unit for use in an audio teleconferencing system which includes a loudspeaker and one or more microphones, each microphone having a sensitivity which is directionally dependent and exhibits at least one null or substantially null position, *the microphone or micorphones being so located and orientated relative to the loudspeaker that the null position is directed towards the loudspeaker.*

(Emphasis Added)

Thus, the cited passage of Bunting actually describes that the microphone(s) is located in one position where the null position is directed towards the speaker, but there is nothing in the cited passage that discloses or suggests that a region of a microphone having a lowest sensitivity is aimed at a speaker *when a microphone boom is located in a first position, and when the microphone boom is located in the second position.*

Since both Frank and Bunting do not disclose or suggest the above limitations, any purported combination of Frank and Bunting cannot result in the subject matter of claim 1. For at least the foregoing reasons, Applicant respectfully submits that claim 1 and its dependent claims are allowable over Frank, Bunting, and their combination.

II. Claim Rejections under 35 U.S.C. §103 based on Laurila, Kim, and Bunting

Claims 3-10, 16, and 20-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0229658 (Kim) in view of Bunting. Claims 3-22 and 25-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0204168 (Laurila) in view of Kim and further in view of Bunting.

Claim 3 recites that a region of said microphone having a lowest sensitivity is aimed at said speaker when said microphone boom is located *in any of said plurality of positions* (Emphasis Added). Claim 22 recites similar limitations. Applicant agrees with the Examiner on page 4 of the Office Action that Kim does not disclose the above limitations, and on page 6 of the Office Action that the combination of Laurila and Kim does not disclose the above limitations. According to the Office Action, column 1, lines 48-55 of Bunting allegedly disclose the above limitations. However, as similarly discussed, the cited passage of Bunting actually discloses that the microphone(s) is located in one position where the null position is directed towards the speaker. There is nothing in the cited passage of Bunting that discloses or suggests that the region of microphone with a lowest sensitivity is aimed at a speaker when a microphone boom is located in any of the plurality of positions. Since Laurila, Kim, and Bunting do not disclose or suggest the above limitations, any purported combination of these references cannot result in the subject matter of claims 3 and 22. For at least the foregoing reasons, Applicant respectfully submits that claims 3 and 22, and their respective dependent claims, are allowable over Laurila, Kim, Bunting, and their combination.

Claims 3 and 22 also recite an *unidirectional* microphone (Emphasis Added). According to pages 3 and 5 of the Office Action, Kim and Laurila allegedly disclose the above limitations. However, Applicant respectfully notes that this is not true because neither one of Kim and Laurila mentions microphone directionality at all, much less, discloses an unidirectional microphone. For these additional reasons, Applicant respectfully requests that the § 103 rejections based on the combination of Kim and Bunting, and the § 103 rejections based on the combination of Laurila, Kim, and Bunting, be withdrawn.

III. Double patenting rejections

Claims 3-22 and 25-28 stand rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-33 of U.S. Patent No. 7,620,433 (Bodley) in view of Bunting. Applicant herein subjects a terminal disclaimer to overcome the double patenting rejections.

CONCLUSION

If the Examiner has any questions or comments regarding this response, please contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **GNN P743 US**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **GNN P743 US**.

Respectfully submitted,

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